



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$99,118.67).

**MEETING DATE:** June 7, 2006 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$85,197.52, and various other cases being held by Outside Counsel in the amount of \$13,921.15.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskowitz, Tiedemann & Girard; and JAMS for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

## Folger Levin & Kahn - Invoices Distribution

183453.7323

Matter No.	Invoice No.	Date	Description	Total Amount
8002	95061	4/30/2006	People v M&P Investments	39,843.33 (975.00)
8003	95062	4/30/2006	Hartford Insurance Coverage Litigation	38,537.72
8008	95060	4/30/2006	City of Lodi v. Envision Law Group	1,623.49
	6172	3/31/2006	Peter Krasnoff/WEST	2,385.00
	13262	4/30/2006	Keith O'Brien/PES Environmental, Inc.	3,375.00
				\$84,789.54

## Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	100351.7323	183453.7323
11233.001	225056	04/25/06	General advice	389.21	389.21	
11233.017	225056	04/25/06	Col v. M&P Investments (2441)	238.60		238.60
11233.026	225056	04/25/06	Lodi First v. City of Lodi	741.65	741.65	
11233.027	225056	04/25/06	Citizens for Open Govt.v.Col	257.30	257.30	
11233.029	225056	04/25/06	AT&T v. City of Lodi	12,532.99	12,532.99	
				14,159.75	13,921.15	238.60

## JAMS Mediation Service 183453.7323

Invoice No.	Date	Description	Amount
1144989-110	04/2006	Mediation Services - M&P Investments	\$ 169.38

**FISCAL IMPACT:** Expenses in the amount of \$998.95 will be paid out of the General Fund and billed to Walmart for City's defense of the Lodi First and Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:**

Water Fund	\$85,197.52
General Fund	\$13,921.15

Approved:   
Ruby Paiste, Interim Finance Director

Approved:   
Stephen Schwabauer, City Attorney

APPROVED:

  
Blair King, City Manager